



H.R. 2560 – To amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes

Floor Situation

H.R. 2560 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Diana DeGette (D-CO) on June 5, 2007, and has not been considered by any Committee in the 110th Congress.

H.R. 2560 is expected to be considered on the floor of the House on June 6, 2007.

**Note: In the 108th Congress, similar language was included in an amendment in the nature of a substitute, to H.R. 534, the Human Cloning Prohibition Act of 2003. The amendment was sponsored by Rep. James Greenwood (R-PA) and failed by a vote of 174 – 231 ([Roll no. 37](#)) on February 27, 2003. The details of that vote are listed below:*

	AYES	NOES	PRES	NV
REPUBLICAN	23	195		10
DEMOCRATIC	151	35	1	18
INDEPENDENT		1		
TOTALS	174	231	1	28

Summary

H.R. 2560:

➤ Prohibits any person or governmental entity from:

- Performing or attempting to perform human cloning; or,
- Shipping, transporting, or receiving human cellular material for the purpose of human cloning.

**Note: H.R. 2560 bans reproductive cloning, but would still permit the cloning of human embryos for research purposes.*

Definitions

- Defines human cloning as “the implementation of the product of *human somatic cell nuclear transfer technology* into a uterus of the functional equivalent of a uterus.”

**Note: Some Republicans have raised concerns that such a narrow definition, which focuses only on the implanting of embryos into a uterus and does not prohibit the creation of cloned embryos, for research purposes, leaving cloned embryos to be destroyed or frozen.*

***Note: Some Republicans have expressed concern that by not addressing research involving human embryos, this legislation does nothing to stop the practice of paying women to donate eggs for embryonic research. Some Republicans oppose that on the grounds that it carries health risks for women and leads to the exploitation of women in need of money.*

- Defines human somatic cell nuclear transfer technology as “transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.”

Penalties

- Up to 10 years in prison.
- Fines of the greater of either \$10 million or two times the amount of monetary gain received by the guilty party from the violation of this provision.
- Forfeiture of any property, real or personal, derived from or used to commit a violation of this provision, shall be subject to forfeiture by the United States.

**Note: Some Republicans have expressed concern about this provision in that the forfeiture provisions may be drafted in a manner that could allow the U.S. Government to justify the seizure of already implanted embryos from individuals.*

***Note: Some Republicans have expressed opposition to this legislation questioning its enforceability in light of the difficulties in investigating the origin of embryos that have been implanted into a woman’s uterus and the limitations presented by doctor-patient confidentiality.*

Background

Somatic cell: all body cells, except the reproductive cells, (i.e. egg or sperm cells). (NIH: [Talking Glossary](#))

Somatic cell nuclear transfer: a process where the nucleus of an egg cell is removed and replaced with the nucleus of a somatic cell. (NIH: [Stem Cell Information Glossary](#))

Cost

The Congressional Budget Office (CBO) has not scored this legislation.

Staff Contact

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